

applied in the Official Action dated January 9, 2004, and requests that the rejection be reconsidered and withdrawn.

Claims 17 and 20 are the only claims pending in the present application. Claim 17 is an independent claim and is directed to a modular electrical power system including eight electrical connectors consisting of four live conductors, two neutral conductors, and two ground conductors. The eight electrical conductors are arranged to define four separate electrical circuits, two of which share a common first ground conductor and a common first neutral conductor, and two of which share a second common ground conductor and a second common neutral conductor. The advantages of the modular electrical power system as defined by the pending claims is discussed in Applicant's specification.

In the latest Official Action, Claims 17 and 20 have been rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of three (3) previously cited references: Wise (U.S. Pat. No. 5,092,787), McCarthy (U.S. Pat. No. 4,775,328) and the Electri-Pak-7 publication.

The Official Action states that the Wise patent discloses an electrical system with a shared common ground. However, the Official Action concedes that the Wise patent does not disclose shared common neutral lines as is specifically disclosed and claimed by Applicant. Moreover, as previously argued by Applicant in the Amendment filed on July 21, 2003, the devices

disclosed by the Wise patent are limited to 10 electrical conductors, which are not arranged in the same manner as the 8 electrical conductors defined by pending independent Claim 17. There is no suggestion or motivation in the prior art to modify the disclosure of the Wise patent in any manner rendering the electrical connector defined by independent Claim 17 obvious. As noted above, the Official Action acknowledges that the Wise patent does not disclose shared neutral conductors which is a feature of Applicant's invention expressly recited in independent Claim 17.

The Official Action has combined the disclosure of the Wise patent with both the McCarthy patent and the Electri-Pak publication to reject the pending claims. However, Figure 10 of the McCarthy patent relied upon in the Official Action, discloses an overall electrical distribution system formed from seven (not eight) electrical conductors arranged so that only two circuits share neutral and ground conductors, while a third (isolated) circuit is formed from separate live, ground, and neutral conductors. The disclosure of the Electri-Pak publication is similar - each of the electrical distribution systems disclosed in the publication includes an isolated electrical circuit formed from a separate live wire, a separate ground wire, and a separate neutral wire. Contrary to the disclosure of both the McCarthy patent and the Electri-Pak publication, the modular electrical power system defined by independent Claim 17 does not contain any isolated electrical circuit formed from a separate live wire, a

separate ground wire, and a separate neutral wire. The four circuits defined by independent Claim 17 each share both a ground conductor and a neutral conductor with one other circuit. Among other things, the elimination of the isolated electrical circuits disclosed by the McCarthy patent and the Electri-Pak publication reduces the overall cost of manufacturing the electrical power system.

In view of the above, Applicant submits that each of the three references combined to reject independent Claim 17 differs in a significant respect from the system defined by independent Claim 17 when the claim is viewed as a whole and when the individual disclosures of each of the combined references is considered in its entirety. The Wise patent fails to disclose an electrical system in which common neutral conductors are shared by different electrical circuits although this aspect of Applicant's invention is expressly recited in independent Claim 17. The McCarthy patent and the Electri-Pak publication fail to disclose electrical distribution systems in which each electrical circuit of the system shares a neutral conductor and a ground conductor with at least one other circuit. As a result of differences between each of the three applied references and the overall system defined by independent Claim 17, Applicant respectfully submits that there is no suggestion or motivation in the prior art itself to combine the references in any manner rendering the system defined by independent Claim 17 obvious. Thus, the only basis for combining the references as applied in

the Official Action to reject Claim 17 must be derived from the use of Applicant's own disclosure as a guide for selectively combining different portions of different references to result in the claimed invention. However, it is well established that a rejection made on this basis is improper as a matter of law. See, for example, Orthopedic Equipment Co. v. United States, 217 USPQ 193 (Fed. Cir. 1983).

It is axiomatic that references can only be combined to reject a claim if there is a suggestion or motivation in the prior art itself to make the combination. Even if all features of the claimed invention are individually disclosed in different prior art references, this does not negate patentability of the claim in the absence of a suggestion or motivation in the prior art itself to combine the references. In determining the patentability of a claim, the claim must be considered as a whole, and the separate teachings of the individual applied references, including teachings contrary to the claimed invention, must be considered. See, for example, Micro-Chemical Inc. v. Great Plains Chemical Co., Inc., 41 USPQ 2d 1238 (Fed. Cir. 1997), and In re Fritch, 23 USPQ 2d 1780 (Fed. Cir. 1992).

Applicant respectfully submits that in the instant case there is clearly no motivation or suggestion in the prior art itself to combine the three references as combined in the Official Action when independent Claim 17 is considered as a whole and when the individual disclosures of each of the three

separate applied references is considered in its entirety. As noted above, the disclosures of each of the combined references teaches away from a significant feature of independent Claim 17 when all positively cited features of the claim are considered.

Applicant respectfully submits that independent Claim 17 is allowable over the prior art applied in the Official Action dated January 9, 2004. Claim 20, which depends from independent Claim 17 and thus includes all features of the parent independent claim, is allowable at least for the same reasons as the parent claim.

Applicant submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark P. Stone', written in a cursive style.

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